

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 9:24-cv-81472-Rosenberg/Reinhart
Case No. 9:25-cv-80053-Middlebrooks

SHELBY TOWNSHIP POLICE & FIRE
RETIREMENT SYSTEM, on Behalf of Itself
and All Others Similarly Situated,

Plaintiff,

v.

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and JARROD LANGHANS,

Defendants.

CLASS ACTION

ANTHONY M. ABRAHAM, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and JARROD LANGHANS,

Defendants.

CLASS ACTION

**MOTION OF GARY J. VUCEKOVICH AND THE VUCEKOVICH FAMILY 678
TRUST FOR CONSOLIDATION OF THE ACTIONS, APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF SELECTION OF COUNSEL**

Proposed Lead Plaintiff Gary J. Vucekovich, individually and on behalf of the Vucekovich Family 678 Trust, (“Movant”), by his counsel, hereby moves this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for entry of an Order (attached hereto): (i) consolidating the above-captioned

actions (the “Actions”); (ii) appointing Movant as Lead Plaintiff; (iii) approving Movant’s selection of the law firm of Levi & Korsinsky, LLP (“Levi & Korsinsky”) to serve as Lead Counsel for the putative Class and the law firm of Cullin O’Brien Law, P.A. (“Cullin O’Brien”) to serve as Liaison Counsel; and (iv) granting such other relief as the Court may deem just and proper. This motion is based on the accompanying Memorandum of Law in support thereof, the Declaration of Cullin O’Brien filed herewith and all exhibits attached thereto, the pleadings and other filings herein, and such other written and oral arguments as may be permitted by the Court.

COMPLIANCE WITH CIVIL LOCAL RULE 7.1(a)(3)

The PSLRA provides that within 60 days after publication of the required notice, any member of the proposed class may apply to the Court to be appointed as lead plaintiff, whether or not they have previously filed a complaint in the underlying action. Consequently, Movant’s counsel has no way of knowing who, if any, the competing lead plaintiff candidates are at this time. As a result, counsel for Movant has been unable to conference with opposing counsel as prescribed in Local Rule 7.1(a)(3), and respectfully requests that the conference requirement of Local Rule 7.1(a)(3), be waived for this motion. Pursuant to § 78u-4(a)(3)(B)(iii)(II), Defendants do not have standing to oppose the appointment of Movant as lead plaintiff. See *Hill v. Accentia Biopharmaceuticals, Inc.*, No. 8:13-cv-1945-T-23EAJ, 2013 U.S. Dist. LEXIS 170982, at *3-5 (M.D. Fla. Dec. 4, 2013).

Dated: January 21, 2025

Respectfully submitted,

/s/ Cullin O’Brien
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678 Trust and the Class*

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*Proposed Counsel for Gary J. Vucekovich,
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678 Trust and the Class*

CERTIFICATE OF SERVICE

I HEREBY certify that on January 21, 2025, I electronically filed the foregoing document with the Clerk of the Court CM/ECF.

/s/ Cullin O'Brien
Cullin O'Brien